UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.45/1994/2
7 April 1994

ENGLISH
Original: ENGLISH/FRENCH/
SPANISH/ARABIC

COMMISSION ON HUMAN RIGHTS
Working Group on the Right to Development
Second session
2-13 May 1994

Report of the Secretary General submitted in accordance with Commission on Human Rights resolution 1993/22

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GE.94-12448 (E)

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Introduction

1. In its resolution 1993/22 of 4 March 1993, the Commission on Human Rights, recalled that the right to development was an inalienable human right by virtue of which every human person and all peoples were entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms could be fully realized. The Commission recognized that the biggest obstacles to the realization of the right to development lay at the international macro-economic level and also recognized the existence of impediments at the national level.

2. In paragraph 10 of that resolution, the Commission decided to establish, initially for a three-year period, a working group on the right to development, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States.

3. In pursuance of Commission resolution 1993/22, the Secretary-General, on 6 December 1993, addressed a note verbale to Governments and a letter to United Nations bodies and specialized agencies and to intergovernmental and non-governmental organizations on the subject of the obstacles to the implementation and realization of the Declaration on the Right to Development. 1/ By 30 March 1994 the following replies had been received.

Governments

Kazakhstan (13 January 1994).

United Nations bodies

Committee for the Elimination of Racial Discrimination (27 December 1993);

United Nations Centre for Human Settlements (Habitat) (5 January 1994);

United Nations Department for Peace-Keeping Operations (3 January 1994);

United Nations Economic Commission for Europe (25 February 1994);

United Nations Economic Commission for Latin America and the Caribbean (18 January 1994);

United Nations Economic and Social Commission for Asia and the Pacific (21 December 1993).

Specialized agencies

International Labour Office (28 December 1993);

International Monetary Fund (30 December 1993);

United Nations Educational, Scientific and Cultural Organization (14 March 1994).

Intergovernmental organizations

Inter-American Commission on Human Rights (28 February 1994);

Inter-American Court of Human Rights (22 December 1993);

League of Arab States (1 March 1994);

Organisation for Economic Co-operation and Development (14 January 1994)

Non-governmental organizations

Commonwealth Medical Association (11 March 1994);

International Confederation of Free Trade Unions (21 February 1994);

International Federation Terre des Hommes (21 March 1994);

International Planned Parenthood Federation (15 March 1994);

Oxfam (18 March 1994);

Soroptimist International (13 January 1994);

World Medical Association (16 December 1993);

World Organization Against Torture (16 December 1993).

Other

International Community Education Association (24 February 1994);

Steering Committee for Humanitarian Response (21 March 1994).

4. The present report, prepared for the second session of the Working Group, contains the substantive information and comments provided in their replies by United Nations bodies and specialized agencies and by intergovernmental organizations. 2/ To give a more complete picture, it also includes the statements of representatives of United Nations bodies who addressed the Working Group at its first session.

5. The replies received so far from Governments and from non-governmental organizations can be consulted in the secretariat's files. They will be incorporated, together with any further information submitted, in a report which the Working Group will have before it at its third session.

I. REPLIES RECEIVED FROM UNITED NATIONS BODIES

Committee on the Elimination of Racial Discrimination

1. In the preamble to the San Francisco Charter, the peoples of the United Nations proclaimed their faith in the dignity and worth of the human person and declared their determination to promote social progress and better standards of life in larger freedom.

2. Under the International Convention on the Elimination of All Forms of Racial Discrimination, the States parties "particularly condemn racial segregation and apartheid" 3/ and "undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races". 4/

3. States parties also "condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination". 5/

4. The foregoing provisions are contained in article 4, which has rightly been described as the "key article" of the Convention. By virtue of their commitments under that provision, "States parties are bound to enact implementing legislation in accordance with article 4 (a) and (b). Article 4 aims at prevention rather than cure; the penalty of the law is supposed to deter racism or racial discrimination as well as activities aimed at their promotion or incitement". 6/

5. The Convention contains a long list of rights and freedoms which must be guaranteed and enjoyed "without distinction as to race, colour, or national or ethnic origin". 7/ In this connection, the Convention mentions the following economic, social and cultural rights: 8/

"(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities."

6. The guaranteeing and enjoyment of these rights is complemented by the obligati of States parties to assure

> "to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination". 9/

7. However, racial discrimination persists because the prejudice that is the basis of any discriminatory policy is rooted in tradition and folklore, expounded in literature and embedded in institutions. It frequently persists even after the circumstances conditioning the social group have changed. This is why it is urgent to combat this scourge, which in many cases bursts out into the open and in others remains latent. If the human being is the supreme subject of law, all world institutions should devote themselves exclusively to making human life a pleasant and happy experience. For that reason, the elimination of discrimination is vitally important.

8. Many international jurists and writers maintain that the principles of non-discrimination and observance and protection of human rights and fundamental freedoms in general are now peremptory norms of international law, or in other words have acquired the status of jus cogens.

9. The International Convention on the Elimination of All Forms of Racial Discrimination

> "has been - and it remains today - the international community's only tool for combating racial discrimination which is at one and the same time universal in reach, comprehensive in scope, legally binding in character and equipped with built-in measures of implementation, including an international machinery - a pioneer in the field - responsible for monitoring the actual implementation of their obligations by the contracting sovereign States". 10/

10. This international monitoring machinery is operated by the Committee on the Elimination of Racial Discrimination. Pursuant to the Convention, the Committee has declared that

> "all policies, practices or relations which have the effect of supporting, sustaining or encouraging racist regimes are irreconcilable with the commitment to the cause of the elimination of racial discrimination which is inherent in the ratification of, or accession to, the International Convention on the Elimination of All Forms of Racial Discrimination, and inconsistent with the specific commitment of States parties to condemn racial segregation and apartheid in accordance with article 3 of the Convention, and their resolve to build an international community free from all forms of racial segregation and racial discrimination, expressed in the preamble to the Convention". 11/

11. Moreover, the above gives rise to the principle of international solidarity. The Committee has been explicit on this point:

> "A State's concern for human equality and dignity cannot terminate abruptly at its national borders. Nor can a State's condemnation of racial discrimination and its formal undertaking to eliminate it within its own frontiers be compatible with its indifference to the practice of racial discrimination outside those frontiers - much less with policies which have the effect of giving encouragement or support to those abroad who openly practise racial discrimination and propagate racism. The unequivocal affirmation, contained in the Convention's preamble, that States parties are 'resolved ... to build an international community free from all forms of racial segregation and racial discrimination' cannot be viewed as empty rhetoric: it is a solemn statement defining one of the objectives of the Convention." 12/

12. Consequently,

> "In accordance with the Convention, the primary obligation of every State party is to adopt, and to put into effect without delay, a comprehensive national policy for the elimination of racial discrimination in all its forms, utilizing for that purpose all appropriate means ... Furthermore, the national policy of every State party must entail the prohibition and the termination, by all appropriate means, of acts of racial discrimination perpetrated by any person or group against another. Both of these obligations aim at guaranteeing the right of everyone to equality before the law in the enjoyment of fundamental human rights, without distinction as to race, colour, descent or national or ethnic origin, and at ensuring that that equality is actually enjoyed in practice". 13/

13. Mr. Luis Valencia Rodriguez, Chairman of the Committee on the Elimination of Racial Discrimination, stated in his reply that the foregoing amply demonstrated that one of the main obstacles to due observance and implementation of the Declaration on the Right to Development was the persistence of racial discrimination and racism, a scourge which, despite the international community's enormous efforts, including those made by the Committee on the Elimination of Racial Discrimination, continued to exist in the majority of countries and was revived by the armed conflicts of a political, economic or social nature which were unfortunately being witnessed at the current time.

14. In his opinion, one of the most effective means of terminating that harmful phenomenon and thus ensuring that the Declaration was properly observed and implemented by all States was for States parties to comply fully and faithfully with the obligations deriving from the International Convention on the Elimination of All Forms of Racial Discrimination and for States that had not yet done so to ratify or accede to that instrument.

15. He also stated that the Committee on the Elimination of Racial Discrimination was ready to cooperate with the working group to be established under paragraph 10 of Commission on Human Rights resolution 1993/22 of 4 March 1993 in all matters relating to the implementation of the Declaration.

United Nations Centre for Human Settlements (Habitat)

1. The United Nations Centre for Human Settlements stated that in its view the promotion process of the "right to development" was one of the most important channels where the United Nations - in a system-wide approach - could contribute to the development efforts of many countries and the international organizations active in this field, and that this issue was considered as fundamental in guiding the efforts of UNCHS (Habitat) in improving the quality of life of the world's population in human settlements.

2. It seemed that the lack of comprehensive policies to guide human settlements planning, management and development or the insufficiency of these policies, along with the lack of political commitment and constructive awareness of these issues in many parts of the world and their neglect could be seen as major obstacles in the utilization of the great potential of the role and contribution of human settlements to the global development process.

3. Human settlements, being the places for generation and/or consumption of almost all the sectorial development activities, were the appropriate locations where the right policies can be put into action. Democratization, decentralization, gender awareness, promotion of the concept of participation, enabling and sustainable strategies, alleviation of poverty were the basic principles globally accepted as constituting fundamental prerequisites for development. In all the processes to implement those principles, efficient and effective human settlements development and management were a key factor. The inadequacy of urban services, insufficient infrastructure, lack of adequate shelter, insecurity of tenure, particularly in the informal settlements which were the dominant form of urban development in many parts of the developing world, were formidable barriers for the promotion and implementation of the "right to development".

4. In addition, UNCHS (Habitat) stressed the vital role of the realization of the "right to adequate housing" in promoting the right to development. Housing, being the most important single investment of the majority of the world's population, should not be considered only in its physical "shelter" aspect, but should be given full consideration as the most important element of family life, where all the social, economic, cultural and political activities were sustained. Despite that fact, however, more than one fifth of the world's population was inadequately housed and more than 100 million people were homeless. In the large cities of many developing countries, some 30 to 50 per cent of the population lived in slums and squatter settlements. Over the past decade, the number of homeless and of those who lacked decent shelter and services had unfortunately continued to increase.

5. It was essential to regard the fields of "human settlements" and "shelter" as the two fundamental areas where the policies aimed at the realization of the "right to development" should be put into action and be promoted by all appropriate means. In the 1994-1995 biennium, a new UNCHS (Habitat) programme, on the "Realization of human rights to adequate housing", would be initiated which would be operated on a continuous basis. This

programme will provide assistance to States Members of the United Nations on how to realize those rights most effectively and monitor the developments in that direction.

6. UNCHS (Habitat) was the focal point for the implementation of the Global Strategy for Shelter to the Year 2000, proclaimed by the United Nations General Assembly in December 1988. That strategy constituted an historic step towards harnessing the human, technical and financial resources of the international community, national Governments, local authorities, aid agencies, non-governmental organizations, planners and policy-makers, the formal and informal private sector and community-based organizations, towards the amelioration of the deteriorating shelter conditions of the poor and disadvantaged around the world. Meeting basic shelter needs for all was a global responsibility. Inadequate and insecure shelter would lead to social and political instability and would hamper economic development.

United Nations Conference on Trade and Development

1. In his statement at its first session the representative of UNCTAD informed the Working Group of the following.

2. The final document adopted at UNCTAD VIII, entitled "A new partnership for development: the Cartagena Commitment" (TD/364, 6 July 1992) might be of use in the Working Group's deliberations in two principal respects: (i) the global review of the context and framework for the realization of the right to development; (ii) analysis of a number of specific obstacles to development which fell within the purview of UNCTAD. With regard to the first, Parts I and II of the "Cartagena Commitment" outlined the evolving international political and economic context, convergent views on development issues and priorities in the 1990s, the need to foster a new partnership for development and the principal guidelines which should be followed in that new partnership. With regard to the second, reference was made to Part IV of the document, and particularly sections A (Resources for development, including the debt problem), B (International trade), C (Technology) and E (Commodities).

3. The representative of UNCTAD outlined the principal results and lessons of UNCTAD VIII under the following headings:

1. The new international climate

4. The "Cartagena Commitment" highlighted the major developments and new realities that characterized the international environment. The common feature was rapidly accelerating globalization and interdependence. Economically, that trend resulted from an acceleration in technological change, particularly in information technologies and communications, the growing importance of transnational corporations, which now had global strategies for investment, production and marketing, the globalization of markets and financial deregulation.

5. That had given rise to extremely fluid and volatile economies, reflected inter alia in increased mobility of capital, goods and persons, and sharp fluctuations in exchange rates and interest rates, which had a major impact on the economic situation, both nationally and internationally. The end of the

cold war had extended that open economic space to the countries of Eastern Europe, while structural adjustment policies were also bringing in more and more countries of the South.

6. That phenomenon of interdependence and growing globalization had substantial consequences for development: it made economic processes increasingly complex, involved a diverse range of actors and, above all, lead to profound changes in their respective roles and importance.

2. Opportunities and risks in terms of development

7. The final document of UNCTAD VIII highlighted the following new opportunities:

(a) Reforms aiming in the direction of market conditions should enhance economic efficiency through a better allocation of resources, associated with the elimination of bureaucratic and institutional rigidities; they should therefore lead to a greater ability to react to current developments by making it possible to resist external shocks and draw the greatest possible benefit from the new economic opportunities offered by the market;

(b) The disarmament process stemming from the end of the cold war had involved the countries concerned in a shift of military expenditure towards civilian uses and offered opportunities to release additional resources to finance development;

(c) The opening up of various economies was accompanied by growing democratization, which itself promoted the strengthening of respect for human rights;

(d) Globalization had heightened awareness of environmental problems, and it was more and more widely recognized that in that field specific actions and measures must be adopted to remedy the shortcomings of the market.

8. The "Cartagena Commitment" also emphasized the risks inherent in the current developments:

(a) The strengthening of existing obstacles to development: indebtedness, unequal participation in international trade, unstable and/or falling commodity prices, selective dissemination of technological progress, etc.

(b) The emergence of new obstacles, and in particular: (i) the shrinking of the freedom of action enjoyed by countries to set their economic policies and adjust them to their development needs; (ii) less predictability in the evolution of economic conditions, which also inhibited consistency in the implementation of development strategies; (iii) the increased marginalization of countries which, since they had a vulnerable economic base, could not take on a positive role in the world economy - for example, the share of the least developed countries in world trade fell from 3 per cent in 1970 to 0.4 per cent in 1990.

9. The accelerated globalization of the economy had thus given rise to an extremely wide range of development situations: on the one hand, countries that had already reached a certain level of development could grasp the new economic opportunities in order to consolidate that level further; on the other, countries with weaker economies faced huge difficulties in overcoming their handicaps and benefiting from the opportunities arising from an open, globalized economy.

10. A risk of growing inequality in access to the right to development thus emerged. Trends towards polarization which were manifested between countries could also be seen within countries between population categories, which were experiencing growing inequality in access to economic, social and cultural rights.

3. Convergence and consensus on major development priorities

11. The fundamental points of convergence identified by UNCTAD VIII were the following:

(a) Economic reforms must be pursued so that they lead effectively to sustained and non-inflationary growth;

(b) That growth must be accompanied by social progress, particularly through the development of human resources, in order to ensure an authentic process of development (balance between economic efficiency and social equity);

(c) The establishment of democratic systems based on popular involvement and the respect for all human rights were essential factors in development;

(d) Efforts to combat poverty constituted a prime objective for which the efforts of each country individually and the international community as a whole must be mobilized;

(e) The environment was a major challenge for sustainable development and as such must also constitute a priority.

12. The pursuit of those priorities called for effective measures at the national level, firmly supported by international cooperation in the context of strengthened global dialogue: that forms the very foundation of the new partnership for development.

4. Partnership for development

13. The two main avenues of the new partnership were reflected in paragraphs 25 and 26 of the "Cartagena Commitment". Firstly, the developing countries reaffirmed their primary responsibility for their own economic and social development, in accordance with their priority and plans, as well as their political and cultural diversities; secondly, the developed countries had a special responsibility, in the context of growing interdependence, to

create a global economic environment favourable to accelerated and sustainable development; they must also continue to provide adequate support for the efforts made by the developing countries.

14. That joint responsibility was essential to ensure effective development measures: without healthy national policies, international support could not be fully effective; conversely, sound national policies were insufficient without external support for the weakest countries and, in general, they ran the risk of being cancelled out by an unfavourable international economic environment.

15. The reduction of the freedom of action enjoyed by States, already mentioned, reinforced the close interrelationship between the national and international levels of responsibility. It was for that reason that the realization of economic, social and cultural rights must also be dealt with in relation to international cooperation.

5. Partnership as a general framework for the elimination of obstacles to development and the realization of the right to development

16. In general, the realization of the right to development involved the joint responsibility of a network of actors. The two principal actors were:

(a) States, whose primary responsibilities were: (i) to guarantee fundamental freedoms, respect for human rights and personal security; (ii) to promote effective, honest and equitable public administration and guarantee the impartial operation of the courts of law; (iii) to establish a regulatory framework and economic instruments which ensured the transparent operation of the market and corrected its deficiencies; (iv) to implement policies for the development of human resources; (v) to achieve a degree of equity in the allocation of resources and incomes; 14/

(b) The international community, whose primary responsibilities were: (i) to set rules and institute machinery for cooperation whereby external economic obstacles to development could be eliminated, such as restrictions on market access, the debt burden, insufficient financial flows, excessive fluctuations in exchange rates and interest rates; (ii) to adopt special bilateral or multilateral measures for the weakest and most vulnerable countries; (iii) to strengthen arrangements and actions designed to handle global problems, such as the environment, drug control.

17. Within the international community, States and institutions must contribute to exercising those responsibilities in the light of their resources and their importance in the world economy. Hence the most powerful countries bore major responsibility in coordinating macroeconomic policies to ensure a context of sustained growth and a stable and predictable international environment. 15/

18. The system of shared responsibility for the realization of the right to development must be extended to other actors, in particular:

Non-governmental organizations and other sectors representing the various forces in civil society: their role was vital to promote democracy, give it concrete meaning and combat poverty directly through productive and social activities at the grass roots. They were the actors which bore primary responsibility for participatory development, and more directly, through coordination and joint efforts, they could involve peoples in political, economic and social life, from the local level up to the national level.

Actors in the private sector. They were creators of wealth and hence agents of growth, but did not directly form part of a logic of development. In order for their actions to have positive impact in development terms, the "ground rules" must be laid down at the national and international levels, making it possible, inter alia, to combat the abuses of economic concentration and restrictive trade practices.

19. In conclusion, the representative of UNCTAD stated that the global approach outlined above might be made more specific if it was refined and made more concrete, in particular in order to deal with obstacles to development. Once those obstacles had been identified, the questions to be posed would be: who were the actors to whom each of those obstacles related? What were their respective roles and responsibilities in eliminating them? How should their efforts be articulated? On that basis, what were the partnership relations to be set up between them, defining policies and measures to be implemented jointly?

20. Under that approach, it was possible to conceive of various forms of mutual commitment based on the principle of joint responsibility. The right to development, despite the complexity and range of the areas it covered, could then be better delimited and specific guidelines devised for its realization.

21. Lastly, as those specific systems of joint responsibility were sketched out, the global, integrated framework of partnership for the realization of the right to development could in turn be increasingly well defined. Ultimately, that framework - which was necessarily subject to evolution - could contribute to supplying basic guidelines for international cooperation that would be able to contribute effectively to the realization of the right to development.

Department for Peace-Keeping Operations of the United Nations

1. The Department of Peace-Keeping Operations stated that it was regrettably not in a position to contribute in a substantive manner to the identification of obstacles, but noted, however, that there was an important link between peace and development: the widespread occurrence of armed conflict between and within nations was perhaps one of the most important obstacles to development. The Organization's efforts in the fields of peace-keeping and

peace-making might perhaps be viewed as important contributions to the establishment of peace as an essential precondition to the implementation and realization of the right to development.

2. In addition, it pointed out that political and social stability were prerequisites for development and growth. The establishment or restoration of such conditions required an effort by Governments and all parties involved, with the assistance and support, as appropriate, of the United Nations, in particular the Departments of Peace-Keeping Operations and Political Affairs.

United Nations Development Programme

1. The United Nations Development Programme (UNDP), in its function as the main United Nations organ entrusted with the prompting, financing and coordination of the organization's operational activities for development, drew the attention of the Working Group to the 1992 edition of the Human Development Report which analyses the obstacles to development at the international level as well as to the 1990 and 1991 editions which analyse the obstacles at the national level.

2. In his statement at its first session the representative of UNDP informed the Working Group of the following.

3. UNDP's approach was one of full support for the definition of development laid down in the preamble to the Declaration on the Right to Development, which defined development as a "comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active ... participation in development and in the fair distribution of benefits resulting therefrom.". Thus that approach took the human person as the central subject of the development process and considered his participation to be essential, as participant but also as beneficiary of the process, as emphasized further on in the preamble. All UNDP activities, therefore, were aimed at supporting the principles set forth in articles 1 and 2 of the Declaration.

4. UNDP's mission was to support national development efforts, and particularly to help States formulate national development policies. UNDP therefore played a crucial, if not unique, role in the development support mechanism, since it was the only United Nations institution with both the mandate and the means for such a mission. Its political neutrality, its multidisciplinary mission and its necessarily comprehensive approach to the development process made it the preferred partner for governmental bodies in charge of formulating development strategies and the adviser consulted by all the participants in the national development processes.

5. Since any action by the United Nations system requiring a multidisciplinary or multisectoral approach had necessarily to go through the UNDP field representatives, they most often combined their functions with the broader functions of resident coordinators of the operational activities of the United Nations system.

6. UNDP's neutral, multidisciplinary and comprehensive features also led numerous Governments and their external partners to seek it out as a highly-valued organizer of the aid coordination and mobilization processes.

7. UNDP action, which took the form of missions, projects, programmes or processes - such as the round tables - had made it the most appropriate United Nations instrument for supporting development policy formulation. It helped make a reality of the principles enshrined in the Declaration, which stated in article 2 that "States have the right and the duty to formulate appropriate national development processes".

8. However, UNDP's support for national development processes went far beyond aid to policy formulation, notwithstanding its importance, and encompassed all of the areas relating to development. Thus, in addition to support for national development strategies, policies, plans and processes taken as a whole, UNDP action in support of development extended to all human needs, whether for "basic resources, education, health services, food, housing and employment" or "the fair distribution of income", all of which were explicitly covered by article 8 of the Declaration.

9. The aims covered in article 8 of the Declaration represented the very purpose of UNDP actions, whether they took the form of processes, programmes, projects or isolated activities. All those mechanisms were used to strengthen national capacities and develop human resources, while seeking to enhance and preserve natural resources.

10. Those same objectives also underlay the intellectual effort that UNDP had undertaken at the international level, by taking the initiative of elaborating a report on human development, the purpose of which was to bring a fresh, critical look to development policies and processes and thus to bring about the new intellectual approaches that were needed in that field. Thus, although the analyses and recommendations contained in those reports did not bind UNDP as such, they were designed to help to stimulate research into the topics in question and to suggest replies to the questions raised.

11. That was the case with subjects such as the definition and assessment of human development, the taking of an inventory of human development, the conditions under which it was financed, disparities in income and the worsening of inequalities, the relationship between liberties and human development and the forms and extent of grass-roots participation, to name only a few.

12. Those ideas, however, were not to remain academic, for UNDP hoped to make them into operational concepts and thus bring about the necessary convergence between theoretical analysis and development practice.

13. UNDP was therefore already concretely engaged in the process of making its approach more operational, by conducting studies on the development profiles of various countries. Those studies were used for the use or the development of batteries of social indicators and were aimed at interpreting development levels and processes from the point of view of human development.

14. Once the stocktaking was over and the diagnosis had been made, it would be possible, at both the world, national and even regional levels, to set objectives in terms of human development, formulate strategies in support of those objectives, design programmes and mobilize resources, in an exercise whose purpose would be none other than the implementation of the principles laid down in the Declaration on the Right to Development.

15. It went without saying that such prospects could not become a reality without the actual participation of all the parties involved in the development process, for which reason UNDP had in recent years considerably expanded its range of partners and modalities of action, in order to reach beyond Governments to the grass-roots communities and the individuals in them.

16. Other participants had therefore been approached, such as the non-governmental organizations and the private sector. Theories had been developed and programmes begun on behalf of community associations. Special efforts had been undertaken, at both the theoretical and practical levels, to promote effective participation by women in national development processes. Thus, although UNDP's action was within the purview of United Nations relations with its Member States, and although its activities required the agreement and cooperation of the Governments that requested them, ways had been found to integrate other participants into the processes of formulating and implementing development programmes.

17. Such prospects should also fall within the context of a renewed determination by the international community and the States in it to combat the causes of extreme poverty and the effects of underdevelopment, in particular by attacking the problem of poverty. In that field, too, UNDP had developed original theories, which linked the struggle against poverty to popular participation, without which it would be useless to try to find solutions. The marginal populations themselves must participate in resolving their own problems.

18. He mentioned as obstacles the definition and understanding of development by politicians, national administrations, the media and the public at large. Too often development continued to be seen as the product and distribution of growth, whereas it should be possible to measure it and translate it into objective terms, i.e. the number of families with housing, the number of persons decently fed and the number of individuals with access to primary health care, to cite just a few simple indicators, with no order of ranking. The human development report had made a breach in the ideology of growth and the illusion that its effects were always positive, but much remained to be done in order for the concept to become a mode of operation and for operational policies and programmes to be implemented with that concept in mind.

19. In addition to this revolution in thinking, namely that meeting basic needs should no longer be considered a by-product of growth - that the order of priorities should be reversed, as it were - another, just as fundamental change should be aimed at: decompartmentalizing political approaches and bureaucratic practices. It was true that progress was being made in considering development - as the Declaration emphasized - to be a comprehensive, economic, social, cultural and political process. In practice,

however, much remained to be done to develop and implement genuinely integrated approaches, despite the numerous declarations on the subject of integration and the many appeals for coordination, both in international forums and national administrations.

20. The full development of individuals, like the success of the development policies and programmes that were supposed to pursue that ultimate objective, presupposed, as the Declaration emphasized, full participation by individuals in the decision-making processes that concerned them and not just a share in the benefits of those efforts. It had to be admitted, however, that beyond speeches and good intentions, the role given to individuals and local communities in the formulation and implementation of the programmes concerning them remained extremely small, which was why many programmes did not attain their expected goals, for lack of participation by ordinary people and real consideration of their hopes.

21. He added that it would probably be naive to omit from that list the question of access to resources and distribution of wealth, which were part of an approach that was basically political and required lucid and often courageous choices. He would simply mention the problem of development aid, which, through transfers of resources and know-how, largely determined the chances of a substantial segment of humanity of escaping from underdevelopment. However, it had to be noted that, in addition to stagnating in relative value, aid was increasingly being redeployed for emergencies, thus delaying the chances of that segment of humanity of escaping from the vicious circle of extreme poverty and social breakdown and condemning it to be an eternal charity case.

Economic Commission for Europe

1. The Economic Commission for Europe (ECE) informed the Working Group that its mandate was restricted to economic issues only and that so far it had not monitored the implementation of the right to development. However, it stood ready to provide in the future any relevant inputs, related to its work programme, which might be of interest to the newly established working group.

2. It would also, in compliance with paragraph 13 of Commission on Human Rights resolution 1993/22, communicate to the newly established ECE advisory services to pay attention to projects related to the effective implementation of the Declaration on the Right to Development.

Economic Commission for Latin America and the Caribbean

1. The Executive Secretary of the Economic Commission for Latin America and the Caribbean informed the Working Group that all the ECLAC work programme activities were related to development. In the view of ECLAC, the main obstacles for the right to development in the region were poverty, unequal distribution of income, non-productive employment and social disintegration.

2. In a paper presented to the first preparatory committee of the whole of the World Summit for Social Development, ECLAC had stated that notwithstanding the advances in the political and economic arenas, serious problems persisted in Latin America and the Caribbean, among the most important of which were the

highly regressive effects of economic adjustment, the consequent increase in poverty, the widespread worsening of income distribution, and social inequalities that appeared to have widened.

3. The perception that large segments of the population were worse off than before while a minority had enjoyed visible improvements, as well as the widening gap between expectations and reality, had become serious sources of political and social tension.

4. The macroeconomic trends observed both worldwide and in Latin America and the Caribbean were ambivalent. At the global level, progress had been made in respect for individual freedoms, the allocation of resources and the modernization of production. However, those developments had been accompanied by growing social disparities in both developed and developing countries, reflected in increased unemployment (both open and hidden), swelling contingents of people who were excluded or marginalized from enjoyment of the fruits of economic expansion, and a pronounced upsurge in poverty and indigence.

5. Although the World Summit for Social Development could not claim to offer a holistic, universally valid formula for achieving sustainable development with social equity in a democratic context, it should provide an opportunity to re-examine ways of progressing towards the fulfilment of those objectives. In that effort, the region of Latin America and the Caribbean not only stood to benefit, but also had much to contribute.

6. What was needed was a broad view of the concept of social development through which the above-mentioned problems could be addressed. From the Latin American and Caribbean perspective, meeting the three broad objectives of the World Summit for Social Development (enhancement of social integration, alleviation and reduction of poverty, and expansion of productive employment) required an integrated approach that simultaneously sought the mutually complementary goals of changing production patterns and enhancing social equity, which was in line with the findings of earlier reports on the subject. 16/

7. At the same time, social equity could not be achieved without economic growth. ECLAC therefore argued that social policy could not be separated from economic policy. An integrated approach involved devising economic policies that fostered not only growth but also equity, and social policies that emphasized their effects on production and efficiency, not only equity.

8. The goal of "changing production patterns" was that of promoting growth that was also increasingly competitive in international markets, thus ensuring the sustainability of the process and facilitating the distribution of growth among various social strata. That growth must also be environmentally sustainable, to safeguard and enrich the supply of natural resources, in the interest of preserving the standard and quality of life of present and future generations.

9. Essentially, the integrated approach underscored three elements - technical progress, productive employment at fair wages and investment in human resources - but also comprised a number of redistributive measures

geared towards the most disadvantaged groups whose incorporation into higher-productivity sectors would take a long time. Social backwardness caused by lack of technical progress, productive employment at fair wages and investment in human resources must be treated as an integral part of the problem of development and not as a phenomenon that could be alleviated or eliminated through isolated approaches.

10. In the efforts towards economic and social progress, ECLAC considered that a "virtuous circle" could be set up between development and social integration. It could assist in building an institutional framework in which conflicts could be resolved and controlled. Social integration was conceived as a process in which all the individuals and social groups that made up the societies of Latin America and the Caribbean participated in development and enjoyed its benefits.

11. If the fruits of growth were not distributed fairly, and if the gap between rich and poor widened and deepened as a result of behaviour such as conspicuous consumption, adherence to the system weakened. The current extreme disparities of income in Latin America and the Caribbean and the fact that vast sectors of the population were mired in poverty posed a challenge to the region which not only was an ethical imperative, but also had potentially serious repercussions on social and political stability.

12. In many cases, poverty and exclusion were concentrated in groups which, because of their ethnic background, age, social status, place of residence or gender, were marginalized or discriminated against with regard to access to the benefits of development. Although targeted programmes for the benefit of such groups and mechanisms for positive discrimination in their favour were undoubtedly necessary, paternalistic attitudes which could accentuate their cultural and social marginality by according them special treatment, and which might encourage an opportunism that increased their dependence on the State, should be avoided.

13. In view of the foregoing, the main concern was to generate effective equality of opportunity for all social groups. That meant not only avoiding discrimination, but also providing those whose opportunities had been deferred with the tools and assets they needed to integrate themselves effectively into the system. An obvious sphere of action in that regard was the correction of prevailing judicial, legal and rights-related inequalities that affected women by impeding the development of their potential and validating the cultural images underlying discrimination. There was an emerging consensus that the situation of women would not improve substantially unless they were empowered to exercise all the rights of citizenship. That meant that men and women must have equal freedom of choice in their relations with each other and with society, including equality in political participation, decision-making and the exercise of power.

14. ECLAC underlined that social integration and the building of a broad-based consensus on shared objectives and values should not be confused with social and cultural homogenization. The attainment of successive levels of social integration required that democracy, in its broadest sense, be ensured and consolidated. That means enabling and encouraging citizens to participate at various levels of decision-making. However, it also meant

promoting a culture of concerted effort among different social actors, stimulating the process by strengthening those social actors and generating opportunities for participation.

15. ECLAC studies showed that in the early 1990s, nearly 200 million Latin Americans - 46 per cent of the total population - could not meet their basic needs, while 94 million - 22 per cent of the population - were living in extreme poverty. That upsurge in poverty had even affected population groups employed in the public sector and in medium- and large-scale enterprises, i.e. groups outside the low-productivity sectors of the labour market.

16. ECLAC had described the main causes of the increase and persistence of poverty as (i) the rise in unemployment and in the number of people employed in very low-productivity jobs; (ii) the significant increase in the economically inactive population, whose pensions suffered a steep drop in purchasing power; and (iii) the massive decline in real wages in the region during the 1980s.

17. In the opinion of ECLAC, the main requirement for gradually overcoming poverty was economic expansion. But there was also an important function for the State, which had an indispensable role to play in poverty reduction and in ensuring equality of opportunity so that everyone could become involved in development, especially through policies to provide short- and medium-term assistance to sectors living in extreme poverty and groups that could not be assisted through the job market. Such functions could be carried out through guaranteeing an effective allocation of funds to social welfare and public services, while ensuring that the poorest groups had access to their benefits. On the basis of baseline studies of sectoral deficiencies and vulnerable groups, an appropriate balance could be struck between universal and targeted programmes from which vulnerable groups such as unemployed and poorly educated youth and female heads of household could be better addressed.

18. In sum, the ECLAC proposals stressed the impossibility of finding solutions to social problems without taking an approach that linked economic and social policies in innovative ways, while strengthening democracy and environmental sustainability. At the same time, the globalization of the economy and of communications and the transnational nature of social phenomena such as migration and environmental problems showed that "social issues" could not be isolated as internal problems and indicated promising opportunities for international and regional cooperation on social development.

Economic and Social Commission for Asia and the Pacific

The Economic and Social Commission for Asia and the Pacific informed the Working Group that it was pleased to note that the Commission had decided to establish a working group on the right to development. It indicated that although at present it did not have information to offer on obstacles to the implementation and realization of the Declaration on the Right to Development, it would provide such materials as and when they became available to ESCAP.

United Nations Environment Programme

1. In her statement to the Working Group at its first session the representative for the United Nations Environment Programme informed the Working Group of the following.

2. Just like development policies, proper environmental policies must take into consideration a whole range of factors for their implementation. The major obstacles to a safe global environment in a long-term perspective were found at the international level as had been demonstrated the previous year at the Earth Summit. The concept of sustainable development, endorsed by the Rio Conference, reflected the international consensus on that new understanding. The process of preparation for the Rio Summit had increased knowledge of the environment-development nexus considerably and shed light on the complexity of its interface, thus laying a solid base for future action.

3. Unlike most of its sister agencies within the United Nations system, UNEP was not strictly speaking operational, in view of its mandate to coordinate and catalyse the environmental programmes of other organizations.

4. The UNEP programmes nevertheless covered a wide range of areas, since the environment related to practically everything. The programme of activities focused on a few priority areas, which were also those of the Earth Summit. They were the protection of the atmosphere; the environmental management of freshwater resources, of terrestrial and marine ecosystems and their resources, including all kinds of seas and coastal area management; environmental health, settlements and human welfare; international law on sustainable development and environmental law, institutions and policies; toxic chemicals and waste management; industry, energy and the environment; capacity-building for environmentally sound and sustainable development; and support to and cooperation for environmental action. At its session in May 1993, the Governing Council had added the area of environmental economics, accounting and management tools. Those activities were, for the most part, implemented jointly with other organizations and Governments. In support of the Programme the Global Environment and Monitoring System, known as GEMS, had been set up as well as the Global Resource Information Database, called GRID. Other important support measures were international programmes in environmental education and training, information and outreach to other constituencies.

5. In line with the renewed mandate received from the Earth Summit in Agenda 21, UNEP would continue to play its role with regard to policy guidance and coordination in the field of environment, taking into account the development perspective. Close cooperation was maintained with the Commission on Sustainable Development and the Inter-Agency Committee on Sustainable Development, which were responsible for coordinating the implementation of the Rio Conference. One of the main achievements of the Rio Conference had been to achieve political consensus on the need to preserve the integrity of the life-support systems of the planet and the productive capacity of the environment, two essential dimensions of development.

6. Long before the Conference, UNEP had stressed the sustainable dimension of proper development and the need to integrate an environmental dimension

early into the development process. Agenda 21 made the world community aware that the reactivation and acceleration of development required both a dynamic and a supportive international economic environment.

7. The global partnership for sustainable development advocated by Agenda 21 was closely related to the question of the right to development. The obstacles to a clean environment and a proper management of natural resources and global commons would inevitably have negative repercussions on the right of people to develop. The Declaration on the Right to Development rightly stated that the human person was the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development. Sustainable development did just that, placing human concerns at the heart of the development process so that the environmental and developmental needs of present and future generations were met.

8. The right to develop could not be viewed outside the environment where it would be exercised, whether political, social, economic, or, first of all, physical. Development only made sense if properly integrated into all those dimensions. The threats to human life were increasing in scope and intensity. Disregard for human rights could not be dissociated from disregard for nature and the environment at large, since both inevitably lead to environmental destruction through the imbalance and conflicts they generated. The right to develop was directly affected by the sometimes irreversible deterioration of the environment.

9. The World Conference on Human Rights had recognized, in the Vienna Declaration and Programme of Action, that illicit dumping of toxic and dangerous substances and wastes constituted a serious threat to the human rights to life and health of everyone. To the waste issue, must be added the dangers posed by the depletion of the ozone layer, dangerous chemicals, marine pollution, pollution of the air, water and soils, the disappearance of natural species and habitats, the deterioration of human settlements, and the rapid loss of environmental traditional knowledge by indigenous people of how to manage their environment.

10. The right to develop therefore entailed a duty to protect the environment and the life of future generations at all levels by both Governments and the peoples of the earth. It also implied the full recognition of the rights of individual States over their natural resources as stated in Principle 21 of the Stockholm Declaration of the United Conference on the Human Environment, which stated that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control did not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. That principle had since been reaffirmed in many declarations and treaties, including the Declaration on the Right to Development. Access to resources was becoming an increasingly essential element of the development process.

11. The main obstacle in the way of the right of people to develop seemed to stem from the fact that knowledge of the required actions had not yet been

matched by sufficient political will on the part of Governments. At the international and regional levels, it was urgent, in particular, to implement fully the various environmental conventions, action plans and programmes which would guarantee people's right to a safe environment and open perspectives for sustained development.

12. In that connection, the recommendation made in Agenda 21 that Governments, when making priorities for future law-making on sustainable development, might include an examination of the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of sustainable development, as provided by General Assembly resolution 44/228 on the United Nations Conference on Environment and Development. Such a review would significantly contribute to removing obstacles to development and creating conditions favourable to the development of peoples and individuals in a long-term perspective.

13. At the national level, the design of sustainable development policies and plans should receive high priority, as recommended at the Earth Summit in Rio.

14. In conclusion, the representative of UNEP reiterated the importance of fully integrating the sustainable element of development into the work of the Working Group, so that access to a clean and safe environment became an effective measure towards the realization of the right to development.

United Nations Population Fund

1. In her statement to the Working Group at its first session the representative for the United Nations Population Fund informed the Working Group of the following.

2. Population variables (fertility, mortality and migration), as well as population policies and activities, were of crucial importance to the right to development because they reflected three key aspects of that right, namely, dignity, freedom of choice and the individual's sense of responsibility.

3. At birth, individuals automatically acquired the inalienable right to develop their person; in addition, from the point of view of the giver of life, the possibility to choose and accept responsibility for the arrival of a new child was a prerequisite for her own personal development as well as that of her marriage and her family.

4. When individuals migrated, according to whether that migration was voluntary or forced, motivated by an individual desire to move or by pressures of various types (political, ecological, economic, etc.), they either exercised or lost part or all of their right to development.

5. Finally, it was when death approached that the various components of individual development took on their ultimate form. Whatever the approach to or conception of death, it was a stage, a conclusion, that gave a distinct form to the different facets of human life, including its spiritual dimension. It was a key phase of existence in which the dignity, freedom of choice and sense of responsibility that an individual acquired and exercised throughout his or her life culminated. For that reason, the right to development of

old people, dignity in dying and communities' responsibilities arising from ageing of their populations were intimately interconnected issues.

6. Although those three key periods of an individual's existence were important from the point of view of the right to development, it was clear that there was a logical - and chronological - order in establishing the conditions that made possible the exercise of that right, or, on the contrary, prevented it. Freely choosing to give life, to decide on the number and spacing of births, was the very basis of the right to development in the sense that reproductive rights set the conditions for acquiring and exercising the other elements that were an integral part of the right to development. At the other end, it might also be said that the conditions of death were a result of the enjoyment or non-enjoyment of the right to development. The very high maternal mortality rates seen in countries where women could not exercise their reproductive rights were a direct illustration of the links between those different elements.

7. There were numerous obstacles to acquiring the right to development that had a direct relation to population variables. Certain of those obstacles were directly linked to the exercise of a right already recognized by the international community but not universally applied (for example, reproductive rights); certain other "contextual" obstacles, although indirect in nature, had a very significant influence on the conditions for acquiring or exercising the right to development.

Direct obstacles

1. Obstacles to the exercise of reproductive rights

Absence, or non-implementation, of legislation guaranteeing the exercise of reproductive rights;

Non-respect for the right to information on methods and means of exercising reproductive rights;

Inaccessibility of modern technical means of contraception, or fertilization techniques, as necessary;

Lack of sufficient financial resources for the establishment of conditions enabling women and men to exercise their reproductive rights.

8. One indicator that reflected the effect of those obstacles to the exercise of reproductive rights on the right to development was that fact that the maternal mortality rate for the period 1980-1987 had been 24 for the industrialized countries and 290 for the developing countries.

2. Obstacles to the exercise of freedom of movement

Lack or weakness of positive migration policies, i.e. genuine human resource management policies aimed at bringing training and employment into line with national development potential, including potential in the area of natural resources;

Lack or inadequacy of policies for integrating migrants into the host countries and/or of cooperation policies between the migrants' countries of departure and host countries;

Legislation and various other measures limiting domestic and/or international movement for political, economic or other reasons.

3. Obstacles to the right to development of old people

Economic and social marginalization, in particular of women, such as abandonment of widows and women in poverty in certain cases;

Lack or inadequacy of medical and social services suitable for this age group;

Unjustified use of life-prolonging measures and medical practices that did not allow individuals freedom of choice.

Contextual obstacles

Low public and private investment in sectors and activities relating to individuals' quality of life - health, education, environment, housing, culture, etc.;

Weakness of mechanisms for the "empowerment" of individuals, groups and communities - grass-roots participation, advancement of women, minority rights, cultural pluralism, etc.;

Cultural inertia, i.e. lack of initiative for developing the positive aspects of a given culture in order to promote, in harmony with its basic tenets, the rights and values linked to development, individuals' autonomy and collective responsibility;

Pre-eminence, reflected in the priorities of national development plans, of the quantitative, of profit and economic profitability, over the qualitative objectives of development;

Lack of long-term vision and planning in the management of society. Population dynamics, like environmental dynamics, had a momentum of several decades; therefore, policies and actions should be based on a strict analysis of "heavy" tendencies and the establishment of appropriate solutions;

Lack of sufficient consideration of equity and inter-generational responsibilities, and, therefore, inadequacy of policies that took into account the needs, achievements and constraints of present and future generations.

Office of the United Nations High Commissioner for Refugees

1. In his statement to the Working Group at its first session the representative of the United Nations High Commissioner for Refugees informed the Working Group of the following.

2. Refugees are a distinct category of persons who are fleeing "persecution". They are outside their countries of origin due to a well-founded fear of persecution for reasons of political opinion, race, religion, nationality or membership of a particular social group. This is the definition as found in the 1951 Refugee Convention and 1967 Protocol.

3. Regional international instruments such as the 1969 Organization of African Unity (OAU) Convention and the 1984 Cartagena Declaration, had expanded the refugee definition by including persons who were outside their country of origin because they had experienced threats to their life, safety or freedom, or for reasons of generalized violence or serious disturbance of public order, massive violations of human rights, external aggression or foreign domination or occupation.

4. The worldwide refugee population was currently estimated at 18 million persons; there were also an estimated 24 million internally displaced persons of whom the overwhelming majority were women and children. Mass movements of persons and regional conflicts had tasked UNHCR as never before. The continuing challenge to UNHCR was to remain dynamic and responsive to changing situations and new needs. It was central to the work of the High Commissioner to protect the institution of asylum - the ability of persons to seek and enjoy asylum from persecution in another country. Increasingly, however, the office was focusing upon other approaches to finding solutions for the worldwide refugee problem. As the High Commissioner had noted recently, an approach based on asylum alone would not be able to sustain humanitarianism in the face of massive population movements. It must be accompanied by strong measures in the countries from which refugees originated to prevent and resolve refugee flows. That was the basis of the three-point strategy of "Prevention, Preparedness and Solutions".

5. UNHCR was not a development agency. However, the obstacles to realizing the right to development presented by the issue of movements of large numbers of persons, whether refugees, the internally displaced or economic migrants, was a subject which might be of interest to the Working Group.

6. Concerning development, there had been a recognition during the Global Consultation on the Right to Development, held at Geneva in January 1990, that disregard for human rights and fundamental freedoms and in particular the right to development could lead to conflict and instability which, in turn, might undermine the economic conditions needed for development through phenomena such as involuntary emigration.

7. Therefore, involuntary or coerced migration was one of the obstacles which the Working Group on the Right to Development could identify and pursue in its work. It was often disregard for human rights which produced refugees and coerced migration which, in consequence, had a significant impact on the development of the country of origin through the loss of human resources, skills, breakdown of family and cultural ties and other detrimental factors relating to the forced displacement of peoples.

8. The High Commissioner had committed the Office to a three-point strategy of "Prevention, Emergency Preparedness and Solutions". Two of those points were of particular relevance to the concerns of the Working Group.

9. "Prevention" did not mean preventing refugees from seeking asylum, but rather, prevention of the conditions which forced people to flee. In that sense prevention included a range of activities of the international community on early warning, promotion of human rights, economic and social development programmes in countries of origin, and providing assistance and protection to the internally displaced so that they were not forced to leave their country simply to obtain relief. With respect to prevention, it should be recognized that unequal development could also contribute to forced migration.

10. It should also be recognized that refugees were often deprived of work and education opportunities or other fundamental rights, which undermined the human resource potential of the refugee.

11. With regard to "Solutions", the preferred one for the vast majority of refugees was voluntary repatriation. The role of UNHCR was to provide returning refugees with protection and assistance aimed at their reintegration into society. However, the success of voluntary repatriation depended in large part on overcoming obstacles to the right to development in the refugees' country of origin. In that regard it should be noted that many refugees were returning to countries whose economic structures had been undermined, if not destroyed, by armed conflict.

12. In the opinion of UNHCR, the Working Group might therefore wish to examine issues concerning forced migration and disregard for human rights and fundamental freedoms, and their impact on the right to development, during its deliberations and as part of its ongoing studies.

II. REPLIES RECEIVED FROM SPECIALIZED AGENCIES

International Labour Office

1. In its reply the International Labour Office referred to the statement which had been made by its representative at the first session of the Working Group on the Right to Development.

2. ILO was very pleased to see the discussion of development issues within the human rights framework of the United Nations. It reinforced the close link that ILO felt should exist between the human rights and development aspects of the work of the United Nations system. ILO considered that it was impossible to divorce those two aspects of that work from each other, and that it was artificial to keep the "development agencies" and the human rights bodies of the system in separate compartments.

3. The right to development was inherent in the objectives set for ILO in its Constitution as far back as 1919, which might be summarized as the search for peace founded on social justice through the improvement of conditions of work.

4. The Declaration of Philadelphia, which was added to the ILO Constitution in 1944, amplified that philosophy in stating that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" and that "the attainment of the conditions under which this shall be possible must constitute the central aim of national and international policy".

5. ILO action to achieve those aims had taken two main forms:

(a) The adoption of international labour standards in the tripartite setting of the ILO Conference - now 174 Conventions with some 6,000 ratifications, creating a huge web of international obligations, and 182 Recommendations. Those Conventions and Recommendations encompassed many aspects of the right to development as laid down in the Declaration on the Right to Development, and in the two human rights Covenants.

(b) Technical cooperation, by which the ILO provided services and assistance to formulate and implement national policies, programmes, laws and regulations; to build institutions; and to train and develop human resources to implement those policies.

6. In a new approach, ILO was implementing an Active Partnership Policy which was putting 14 multidisciplinary teams into the field to put its policies into practice and to bring assistance closer to the constituents of ILO.

7. The ILO mandate for social justice ruled its approach to development questions. Development must be a balanced economic and social process aiming at the human person's material well-being and spiritual needs, in which respect for basic workers' rights, which were one of the fundamental aspects of human rights, constituted both a condition and an incentive.

8. As examples of current ILO activities relevant to the right to development the following aspects of ILO activities were mentioned.

Equality of opportunity and treatment

9. A major factor in the development process, and thus an obstacle to which the Working Group should give its attention, was the restriction of the right of certain groups or categories to participate in development through discrimination based on race, sex, social origin or other considerations. More important for the Working Group's deliberations, such exclusion could be an impediment to the development of the entire community. The following were cited as examples of ILO activity in the area.

Apartheid

10. Apartheid had been an aggravated case of the negative impact of discrimination and exclusion on development. As one example, recent information indicated that there was more than 46 per cent unemployment in South Africa. After many years of active opposition by the ILO to apartheid, the recent changes had allowed ILO to begin to adopt a developmental stance. The application of the ILO Declaration concerning Action against Apartheid, first adopted in 1964 and revised since then, had been suspended by the ILO Governing Body at its November 1993 session, allowing ILO to work directly in the country. ILO was currently drawing up a plan of action for coordinated technical cooperation with South Africa in the areas in which it could lend assistance.

The occupied Territories

11. In that situation also, denial of the right to participate in development had been a great obstacle to development, but there had been a radical change in recent months. In that case as well, ILO was drawing up a development plan, and a team was currently in the Territories for that purpose.

Eastern Europe

12. In Eastern Europe also, development had been slowed down by political decisions excluding many sectors of the population from taking a full part in the decision-making process. The first ILO multidisciplinary team under its new Active Partnership Policy had been established for that region, and was working actively.

Women

13. Equal opportunity and treatment for women and their full integration in development was another basic concern of ILO, echoing that of article 8 of the Declaration on the Right to Development. Specific standards had been adopted by ILO aiming at equality of remuneration, the elimination of all discrimination on the grounds of sex or family responsibilities in matters of employment and occupation, and the protection of maternity. ILO was also in the process of completing a two-year special project aimed at integrating women's concerns into all aspects of the ILO programme, especially in development assistance. Access for women to means of economic production

through the provision of credit, training and the establishment of cooperatives was extremely important. That often meant trying to remove the obstacles to women's participation in development that arose from tradition, from law, from religion and, more generally, from their exclusion from participation in the decision-making process.

Indigenous and tribal peoples

14. Another group suffering badly from exclusion from the decision-making process was indigenous and tribal peoples. There were some 300 million of them around the world, on all continents and in most countries. For historical reasons, ILO was responsible for the only international standards ever adopted for those peoples. Because of that exclusion from the decision-making process as it affected them, they were unable to contribute to adapting national and international development programmes to their own specific needs. That exclusion and past discrimination were the major obstacles to their development.

15. Another obstacle that needed to be mentioned was that, as in other fields, the different organizations of the United Nations system had conflicting definitions, mandates and means of action concerning indigenous and tribal peoples. That might mean that the measures taken to assist the development of those peoples could even be counter-productive for the people concerned. The International Year of the World's Indigenous People had gone some way towards helping coordination within the system, but more had to be done in that respect.

Child labour

16. A great concern of ILO since its founding, child labour was both a result of lack of development and an obstacle to development in the future. Child labour arose from poverty and contributed directly to it. As it had for the integration of women in development, ILO was just completing a two-year interdepartmental project to integrate child labour concerns into a wider range of ILO activities and to find effective strategies for combating and overcoming it.

Forced labour and freedom of association

17. Forced labour and freedom of association were vital concerns of ILO in its work for development and human rights. The violation of those rights was an obstacle to development, and their realization a positive contribution to the right to development. ILO worked closely with the United Nations supervisory bodies in monitoring the implementation of those rights, particularly in the context of the International Covenant on Economic, Social and Cultural Rights but also through other mechanisms. ILO also devotes considerable energy to the implementation of those rights through its own supervisory work and through its practical assistance to Governments and to employers' and workers' organizations.

Employment and extreme poverty

18. Denial of the right to development in its most aggravated and massive manifestation was found in the conditions of extreme poverty in which hundreds of millions of people were living, mostly in third world countries. It was closely linked to the question of employment, and to ILO efforts to promote full, productive and freely-chosen employment, a vital means of achieving the realization of the right to development. Measures for achieving such employment were laid down in the ILO Employment Policy Convention (No. 122, 1964) and its supplementing Recommendations. In the preparations for the World Social Summit, ILO was taking a very active part in order to ensure that that kind of concern was inserted in the Summit's deliberations.

19. That also raised the question of structural adjustment, on which the ILO has been carrying out a special interdepartmental project during the current biennium. It raised, in turn, the potential conflict between notions of economic and social development, and the price of ignoring social development in promoting economic development alone. That was a subject on which ILO sometimes found itself in disagreement with the international financial institutions, and where ILO insisted that the needs of social development and social protection be taken into account.

20. Concerning the question of how to measure development, in the view of ILO it was very important that social factors be taken into account, with a heavy emphasis on those contained in the International Covenant on Economic, Social and Cultural Rights, and in particular articles 6 to 10 of that Covenant. A first problem was the comprehensive nature of the development process; singling out issues led to an over-simplification of the assessment. Another problem was the criteria for assessing development. ILO would suggest strongly that the criteria laid down in international standards be taken as the benchmark. The Declaration on the Right to Development, which viewed the human person as the central subject of the process, was the essential benchmark. ILO was committed to the principle that the human person was the centre of development by the Declaration of Philadelphia, a principle developed in detail by the ILO Conventions and Recommendations adopted over the past 75 years. These international standards afford the further advantage of making available the mechanisms for evaluating and stimulating progress in the achievement of the aims of those standards, and thus in the achievement of the right to development. Existing ILO and United Nations supervisory mechanisms could be taken as the basis for the process.

United Nations Educational, Scientific and Cultural Organization

In its repl the United Nations Educational, Scientific and Cultural Organization stated that in its contributions to the World Summit for Social Development, it hoped to reaffirm the central role of the notion of development, its multidimensional character and its ethical foundations. In some of the activities anticipated in preparation for the Social Summit it hoped to examine the relationship between cultures and development, emphasizing cultural diversity. A book exploring the different aspects of the concept of "the right to development", including the obstacles to its implementation and realization, was one of the outputs foreseen.

International Monetary Fund

1. In its reply the International Monetary Fund (IMF) referred to the statement which its representative had made to the Working Group at its first session, in which it had been underlined that predictable implementation of sound macroeconomic and financial policies lay at the core of a country's ability to realize the right to development, but that such implementation, in turn, depended upon broad public support and understanding of such policies. Further, in the implementation of such policies the social dimensions must form an integral part of any policy package as must the unique needs and situation of each country.

2. Those points had been further developed in two earlier statements. In his speech to the High-Level Meeting of the Economic and Social Council at Geneva on 29 June 1993, Michael Camdessus, the Managing Director of the International Monetary Fund, had stated that in recent years IMF had given increased attention to encouraging and supporting the efforts of the member countries to promote social objectives during periods of adjustment and reform, both through policy advice and technical assistance. The main contribution the Fund could make to the social dimension of growth and development was to strive to improve performance in its own area, macroeconomic adjustment and reform. After all, sustained economic growth, and macroeconomic stability on which it depended, were necessary conditions for social progress and, above all, for the reduction of poverty.

3. IMF however was of the opinion that experience with many structural programmes in all parts of the world showed that one of the most frequent cases of failure or delay in their implementation was not errors in design, or a shortage of international financing, or resistance by the poor to temporary hardships associated with adjustment, but the resistance of vested interests to the strengthening of the tax base needed to meet effectively the cost of even minimal and strictly-targeted social safety nets.

4. In that respect, IMF was only the macroeconomic pillar of the system of global cooperation and not the social pillar and its work in pursuit of social objectives could only be developed in association with other institutions within the United Nations system.

5. In her statement to the World Conference on Human Rights in Vienna, Helen B. Junz, Special Trade Representative and Director of the Office in Geneva of the International Monetary Fund, stressed the linkage between democracy, development and the enjoyment of human rights. Thus, economic progress depended upon an effective development strategy rooted in a supportive global economic and trading system, which could not succeed in the absence of social progress that harnessed the vitality, energies and ingenuity of the individual. That in turn required enjoyment of and respect for human rights, as any rationing out among parts of the population would undermine both the moral and the economic dimensions of social progress.

6. IMF was entrusted, as one of the economic institutions of the United Nations system, with helping to assure attainment of growth and development of the productive resources of all members within a globally cooperative setting. Achievement of high levels of employment and real

income and the sustained development of the productive resources of all members required "quality growth". It was the task of IMF to help to ensure that the economic impediments to achieving quality growth were recognized and overcome, if necessary through processes of "structural adjustment".

7. The Fund's basic task was to support such processes of adjustment, the success of which depended on four elements: (i) the design of sound macroeconomic policies; (ii) an appropriate development strategy, including efficient resource development and allocation and supportive external financing; (iii) the design of social policies; and (iv) the active support of an open, rule-based trading and investment system. To ensure success, the cooperative efforts of all individual actors were crucial - those in the private and public sectors, at home and in the international community, including the United Nations agencies.

III. REPLIES RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

League of Arab States

1. The League of Arab States stated that it believed the right to development to be one of the most important issues, particularly in the Arab world, since that right was always linked to the progress and well-being of peoples. At international conferences and symposia, the Arab League had frequently stressed the need for the enjoyment of that right and the need was reaffirmed in the Arab working paper submitted by the Arab Group to the World Conference on Human Rights.

2. With regard to Commission resolution 1993/22 of 4 March 1993, entitled "The right to development", the Arab League had shown special concern for the issue and had submitted it, on more than one occasion, to the Arab Standing Committee on Human Rights as a separate agenda item. In that connection, resolution 5248, adopted on 13 September 1992 at the ninety-eighth regular session, approved the promulgation of an Arab Declaration on Development, Indebtedness and Human Rights which emphasized that the international endeavours being made to uphold and protect human rights should be accompanied by endeavours to establish a new equitable and balanced economic and financial order. The Declaration also referred to the adverse effects of indebtedness on the inalienable human right to enjoy a life of freedom and dignity and stated that nations, as well as individuals, were entitled to equality of opportunity in regard to development. The main obstacles to the implementation of the Declaration on the Right to Development could be summarized as follows:

(a) The external debt burdens borne by the developing countries;

(b) The high interest rates on debts;

(c) The harsh conditions for debt rescheduling and the short time-limits for the repayments of debts;

(d) The insufficient financial resources available to the developing countries;

(e) The lack of opportunities to obtain loans on easy terms;

(f) The inadequacy of the assistance provided by international organizations and financial institutions to support the balance of payments of indebted countries suffering from large budgetary deficits or to finance their development projects directly.

3. With regard to ways and means towards the realization of the right of development by all States, the recommendation of the Arab League could be summarized as follows:

(a) All external debts should be cancelled or converted into grants;

(b) The interest rate should be lowered or abolished;

(c) Debts should be rescheduled on more favourable terms and, in particular, the time-limit for the repayment of loans should be extended;

(d) The financial resources available to the developing countries should be increased;

(e) Loans should be offered on easy terms by, for example, increasing the time-limit for repayment at low interest;

(f) International organizations and financial institutions should provide more assistance to support development projects in the developing countries;

(g) Customs barriers should be reduced; better facilities should be provided to enable the exports of the developing countries to enter the markets of the wealthy developed countries; and the terms of trade should be made more favourable to the developing and indebted countries;

(h) Emphasis should be placed on the need to incorporate considerations relating to the right to development in the lending policies of major financial institutions such as the World Bank and the International Monetary Fund and particular importance should be attached to the transfer of advanced technology to the developing countries and to the need to help them to develop their economies and to improve their internal situation in order to overcome their economic problems;

(i) Criteria should be formulated to prevent some States from misusing human rights as a pretext to intervene in the internal affairs of developing countries and halt the provision of economic assistance to those countries to the detriment of their development endeavours.

4. International cooperation undoubtedly plays a positive and important role in eliminating the obstacles that were impeding development in the developing countries. Accordingly, the wealthier countries had a responsibility to make a significant contribution to the promotion of development and to eliminate all the obstacles and impediments to the implementation of the Declaration on the Right to Development so that the developing countries could keep pace with worldwide progress and development.

Organisation for Economic Co-operation and Development

1. The Organisation for Economic Co-operation and Development indicated that the multi-faceted trap of underdevelopment with its consequences for human health, nutrition, education, life expectancy and human dignity had thrown up many obstacles to implementing the right to development, but that real progress had been made in understanding and achieving development progress in diverse societies.

2. The Development Assistance Committee (DAC) of OECD was deeply committed to the goals of development and so was its servicing directorate, the Development Co-operation Directorate (DCD).

3. A recognition of the obstacles which underdevelopment raised to the full enjoyment of human rights was touched upon in a paper which was prepared by the Development Assistance Committee entitled "DAC orientations on participatory development and good governance". The paper took as its point of departure the vital connection between open, democratic and accountable systems of governance and respect for human rights, and the ability to achieve sustained economic and social development. That connection was so fundamental that participatory development and good governance must be central concerns in the allocation and design of development assistance.

4. The "areas for action" throughout the paper identified a sample of close to 100 measures, from the wide-ranging to the highly-specific, most of which had already been shown to be effective in promoting tangible improvements. They ranged from targeted measures to strengthen legal or accounting expertise to broad-based action to reduce excessive military expenditure, to multi-faceted action in support of human rights and effective participation and to strengthen civil society.

5. One of the approaches adopted was that the human being is the central subject of development, as recalled by the World Conference on Human Rights in the Vienna Declaration on Human Rights.

6. Participatory development could be defined as a process by which people took an active and influential hand in shaping decisions that affected their lives. Popular participation might involve long and difficult processes, but it brought many benefits: the contribution of local knowledge to activities; an increased chance of objectives and outputs being relevant to perceived needs, greater efficiency and honesty of officials and contractors because they were under public scrutiny; "ownership" of the activity by community-based organizations. Through empowerment, participation could also lead to increased knowledge and skills, and the distribution of power among individuals and communities, thus improving social equity.

7. Democratization integrated participation into the political life of the country and provides a basis for legitimacy of government. A wide variety of entry points existed for initiating democratization and, on the part of donors, for providing appropriate support. Assisting democratization should be viewed as a long-term process.

8. It was often useful to distinguish between three aspects of governance: the form of the political regime, the process by which authority was exercised in the management of a country's economic and social resources; and the capacity of government to formulate and implement policies and discharge government functions. The rule of law, public sector management, controlling corruption and reducing excessive military expenditures were important dimensions of governance.

9. The paper further referred to paragraphs 8 and 10 of the Vienna Declaration and underlined the fact that effective development cooperation on human rights required programmes for motivating and training donor agency staff generally, in addition to those directly involved in reporting on human rights situations, and building aid agency capacity to design and pursue promotional policies.

10. OECD enclosed a catalogue of publications, documents and reference works from the Development Centre of OECD, which is available for consultation in the secretariat's files and also sent the research programme for 1993-1995 of the OECD Development Centre, entitled "Challenges for the mid-1990s", which is reproduced below:

Research field	Themes 1993-1995	Short-term Studies 1993
I. International policy issues	1. Globalization and competition: State and corporate strategies 2. Sustainable development: environment, resource use, trade and technology	A. Globalization and technology B. Globalization and interdependence: the challenge of policy coherence
II. The challenge of national growth	3. Financial systems, resource allocation and growth 4. From reform to growth	C. Military expenditure D. Comprehensive reforms and supply failure
III. The human factor in development	5. International migration and development	E. Employment policies F. Participatory development

11. OECD stressed that if development faltered or failed, the income gap between North and South continued to widen, population growth was unchecked, global environmental problems were aggravated and many of the poorest countries excluded from the world economy, international stability and security would be undermined, and the economic and social development of all participants in the world economy would be gravely compromised.

12. Those problems had led the Development Centre to renew both its fields of study and its methods to try to assess, on the one hand, the impact of increased world interdependence on OECD member countries and, on the other, the new challenges facing policy makers in the developing countries. In addition, given the urgent nature of certain issues, it had appeared necessary to supplement the traditional in-depth studies on major themes by short-term projects involving less intensive but incisive research that could rapidly provide the various OECD Committees with bases for reflection, thereby contributing to better horizontal integration of the Centre's work with that of the rest of the Organization.

Notes

1/ The deadline for replies from Governments and non-governmental organizations was set at 30 June 1994 and for replies from United Nations organizations and intergovernmental organizations at 15 March 1994.

2/ The Inter-American Court of Human Rights and the Inter-American Commission on Human Rights stated that they had no information to offer on the subject.

3/ Article 3.

4/ Article 2.1.

5/ Article 4.

6/ CERD/2, United Nations publication, Sales No. E.85.XIV.2, para. 221.

7/ Article 5.

8/ Article 5 (e).

9/ Article 6.

10/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18), annex V, p. 109.

11/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 18 (A/10018), p. 68.

12/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18), annex V, pp. 110-111.

13/ Ibid., pp. 109-110.

14/ These elements of "good management" at the national level are spelt out in part II.A of the "Cartagena Commitment".

15/ These elements of "good management" at the international level also appear in Part II.A of the "Cartagena Commitment".

16/ ECLAC, Sustainable Development: Changing Production Patterns, Social Equity and the Environment, United Nations publication, Sales No. E.91.II.G.5.

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